

JAMES E. HARPER
Nevada Bar No. 9822
SABRINA G. WIBICKI
Nevada Bar No. 10669
HARPER | SELIM
1935 Village Center Circle
Las Vegas, Nevada 89134
Phone: (702) 948-9240
Fax: (702) 778-6600
Email: eservice@harperselim.com
Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES LIMPERIS, individually,

Plaintiff,

vs.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY; DOE
INDIVIDUALS 1-20, inclusive; and ROE
CORPORATIONS 1-20, inclusive,

Defendant.

CASE NO.: 2:24-cv-00458-CDS-EJY

**STIPULATED DISCOVERY PLAN AND
SCHEDULING ORDER**

**SUBMITTED IN COMPLIANCE WITH
LR 26-1(e)**

Plaintiff, JAMES LIMPERIS (“Plaintiff”), by and through his counsel of record,
DIMOPOULOS INJURY LAW, and Defendant, STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY (“Defendant”), by and through its counsel of record, HARPER | SELIM,
hereby stipulate and agree to the following Joint Discovery Plan and Scheduling Order:

1. Meeting: Pursuant to Fed. R. Civ. P. 26(f) and LR 26-1(d), a meeting was held on
April 15, 2024 and conducted by and between Michael L. Shirts, Esq. on behalf of Plaintiff and
James E. Harper, Esq. on behalf of Defendant.

2. Pre-Discovery Disclosures: Pursuant to Fed. R. Civ. P. Rule 26(a)(1), the parties
have served their initial disclosures, including any Computation(s) of Damages required
pursuant to Fed. R. Civ. P. 26(a)(1)(A)(iii).

3. Areas of Discovery: The parties agree that the areas of discovery should include
all claims and defenses allowed pursuant to the Federal Rules of Civil Procedure.

4. Discovery Cut-Off Date: The last day to conduct discovery, which is two hundred forty (240) days from March 21, 2024, shall be November 18, 2024¹.

5. Amending The Pleading And Adding Parties: The last day to file any motion(s) to amend pleadings or to add parties, which is ninety (90) days before the discovery cut-off deadline, shall be August 20, 2024.

6. FRCP 26(A)(2) Disclosure (Experts):

a. The last day to disclose initial expert witnesses, which is sixty (60) days before the discovery cut-off deadline, shall be September 19, 2024.

b. The last day to disclose rebuttal expert witnesses, which is (30) days after the deadline to disclose initial expert witnesses, shall be October 21, 2024².

7. Dispositive Motions: The last day to file any dispositive motions, which is thirty (30) days after the discovery cut-off deadline, shall be December 18, 2024.

8. Pre-Trial Order: The Joint Pretrial Order shall be filed by January 17, 2025, which is not more than thirty (30) days after the date set for filing dispositive motions in the case. This deadline is suspended if dispositive motions are timely filed.

9. Fed. R. Civ. P. 26(a)(3) Disclosures: Unless the discovery plan otherwise provided and the Court so orders, the disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections thereto shall be included in the pretrial order.

10. Extensions or Modifications of the Discovery Plan and Scheduling Order: LR 26-4 governs modifications or extensions of this Discovery Plan and Scheduling Order. Any stipulation or motion to extend a deadline set forth in the Discovery Plan and Scheduling Order must be made not later than 21 days before the subject deadline. Any stipulation or motion to

¹ This deadline falls on Saturday, November 16, 2024. As a result, this deadline extends to the next court day of Monday, November 18, 2024, by operation of NRCP 6.

² This deadline falls on Saturday, October 19, 2024. As a result, this deadline extends to the next court day of Monday, October 21, 2024, by operation of NRCP 6.

1 extend the discovery cut-off deadline must be made no later than October 28, 2024, 21 days
2 before the discovery cut-off date.

3 11. Court Conferences: If the Court has questions regarding the dates proposed by
4 the parties, the parties request a conference with the Court before entry of the Scheduling
5 Order. If the Court does not have questions, the parties do not request a conference with the
6 Court.

7 12. Format of Discovery: Pursuant to the electronic discovery amendments to the
8 Federal Rules of Civil Procedure effective December 1, 2006, the parties addressed the e-
9 discovery issues pertaining to the format of discovery at the Rule 26(f) conference. The parties
10 do not anticipate discovery of native files or metadata at this time, but each party reserves the
11 right to make a showing for the need of such electronic data as discovery progresses.

12 13. Rule 35 Medical Examination: Defendant reserves the right to have Plaintiff
13 undergo a Rule 35 medical examination performed by Defendant's doctor(s), at a time to be
14 determined by the parties. Said medical examination is to proceed pursuant to Rule 35 of the
15 Federal Rules of Civil Procedure. This agreement is not to be construed as a waiver of any valid
16 objections thereto.

17 14. Alternative Dispute Resolution: The parties certify that they met and
18 conferred about the possibility of using alternative dispute resolution processes, including
19 mediation, arbitration, and, if applicable, early neutral evaluation.

20 15. Alternative Forms of Case Disposition: The parties certify that they
21 considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P.
22 73, and the use of the Short Trial Program (General Order 2013-01).

23 ///

1 16. Electronic Evidence: The parties certify that they may present evidence in electronic
2 format to jurors for the purpose of jury deliberations in compliance with the Court's electronic jury
3 evidence display system.

4 DATED this 16th day of April, 2024.

 DATED this 16th day of April, 2024.

5 **DIMOPOULOS INJURY LAW**

HARPER | SELIM

6 */s/ Michael L. Shirts*

/s/ James E. Harper

7 MICHAEL L. SHIRTS
8 Nevada Bar No. 10223
9 6671 South Las Vegas Boulevard, Suite 275
10 Las Vegas, Nevada 89119
11 Attorney for Plaintiff

 JAMES E. HARPER
 Nevada Bar No. 9822
 SABRINA G. WIBICKI
 Nevada Bar No. 10669
 1935 Village Center Circle
 Las Vegas, Nevada 89134
 Attorneys for Defendant

12 **ORDER**

13 IT IS SO ORDERED.

14
15 
16 UNITED STATES MAGISTRATE JUDGE

17 Dated: April 16, 2024
18
19
20
21
22
23
24
25
26
27